



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 635 দিশপুৰ, সোমবাৰ, 19 ছেপ্টেম্বৰ, 2022, 28 ভাদ, 1944 (শক)

No. 635 Dispur, Monday, 19th September, 2022, 28th Bhadra, 1944 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT

## NOTIFICATION

The 16th September, 2022

**No.PDA.99/2021/338.-** In exercise of the powers conferred by clause (2) of Article 243 K of the Constitution of India, read with sub-section (1) of section 114 of the Assam Panchayat Act, 1994, the Governor of Assam is hereby pleased to make the following rules, namely the Assam State Election Commissioner (Salary, Allowances and Conditions of Service) Rules, 2022:

### 1. Short title and commencement

- (1) These rules may be called the Assam State Election Commissioner (Salary, Allowances and Conditions of Service) Rules, 2022.
- (2) They shall come into force on the date of their publication in Official Gazette.

### 2. Definitions

- (1) In these rules, unless the context otherwise requires :-
  - (a) "Accountant General" means the Accountant General, Assam;
  - (b) "Commission" means the Assam State Election Commission;
  - (c) "Governor" means the Governor of Assam;
  - (d) "Government" means the Government of Assam;
  - (e) "Form" means the Form appended to these rules;
  - (f) "State Election Commissioner" means the Commissioner of Assam State Election Commission.

- (2) Words and expressions used in these rules and not defined herein shall have the meanings respectively assigned to them in the Constitution or specific Act or Rules mentioned herein.

**3. Qualification for appointment**

The person to be appointed as the State Election Commissioner shall be a person,

- (i) who has served for a minimum period of twenty five (25) years of service in the Administration or Judicial or Legal Service of the State or Central Government;
- (ii) who has held the post of Commissioner & Secretary to the Government of Assam or its equivalent in the State or Central Government.

**4. Terms of Office**

The State Election Commissioner shall hold office for a term of five (5) years from the date on which he assumes office:

Provided that where the State Election Commissioner attains the age of sixty five (65) years before the expiry of the said term of five (5) years, he shall vacate his office on the date on which he attains the said age:

Provided further that the State Election Commissioner may, at any time by writing under his hand addressed to the Governor, resign from his office.

**5. Pay**

The State Election Commissioner shall receive the Apex scale of Indian Administrative Service as fixed and/or revised from time to time by Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training plus special allowances of Rupees Ten Thousand only per month.

**6. Dearness Allowance**

The State Election Commissioner shall receive Dearness Allowance at the rates applicable as per relevant scale of pay and Revision of Pay Rules.

**7. Leave**

- (1) The State Election Commissioner shall be entitled to such leave as is admissible to a Judge of a High Court under any law for the time being in force.
- (2) On the expiry of his term of office in the Commission, the State Election Commissioner shall be entitled to receive cash equivalent to salaries in respect of Earned leave standing to his credit, as is admissible to a Judge of High Court:

Provided that the quantum of leave shall not exceed 300 (Three hundred) days inclusive of quantum of leave encashed for his service rendered prior to his appointment in the Commission.

- (3) The Governor shall be the authority competent to grant or refuse leave or to revoke or curtail leave granted to the State Election Commissioner.

**8. Special Pension**

- (1) The State Election Commissioner shall be entitled to a special pension provided if,
  - (a) he has performed for a period not less than two years (2) of service in the Commission;
  - (b) he has not been removed from his office in the Commission as per provisions of Article 243K (2) of the Constitution of India.
- (2) The special pension payable per month to the State Election Commissioner under sub-rule (1) shall be calculated at the rate to be notified by the Government from time to time for each completed year of service or part thereof:

Provided that the aggregate amount of special pension under this rule together with amount of any pension including commuted portion of pension (if any) drawn or entitled to be drawn while holding office in the Commission shall not exceed the maximum amount of pension prescribed for a Judge of a High Court.

**9. Procedure for payment (1) of Special pension**

- (1) The retiring State Election Commissioner (in advance of his date of retirement) shall apply in **Form I** to the Head of Office for grant of special pension to him. On receipt of application in **Form I**, the Head of Office shall determine the entitlement of such pension in **Form II**, and transmit the same to the administrative departments together with his comments, if any, for countersignature. The Administrative Department shall send both the forms along with service record of the incumbent to the Accountant General for assessment of quantum of special pension.
- (2) The Accountant General shall assess the quantum of special pension and send the admissibility report to the Administrative Department.
- (3) On receipt of the admissibility report from the Accountant General the Administrative Department shall issue order sanctioning special pension to the State Election Commissioner.
- (4) Pension shall be debited under the relevant head of account as determined by the Government.
- (5) Payment of special pension shall be made in accordance with the provision of Appendix 17A and 17B of the Treasury Rules and the Subsidiary Rules made thereunder.
- (6) No relief of special pension shall be admissible.
- (7) Special pension shall not be commutable.

**10. Provident Fund**

The State Election Commissioner shall be entitled to subscribe to General Provident Fund at his option and, in the case of his so opting, shall be governed by the provisions of the General Provident Fund (Central Service) Rules, 1960:

Provided that if the State Election Commissioner was a Member of any All India Service immediately before his joining the Commission, he shall be governed by the rules which were applicable to him immediately before joining the Commission.

**11. Travelling and Leave  
Travelling Allowance**

(1) While on tour on official duty, the State Election Commissioner shall be entitled to travelling allowance at the same rate, and on the same conditions, as are provided in High Court Judges (Travelling Allowance) Rules 1956, as applicable to the Judges of the High Courts.

(2) The State Election Commissioner shall be entitled to Leave Travel Concession in accordance with the rules applicable in this regard to a Judge of High Court.

**12. Accommodation and  
House Rent Allowance**

(1) The State Election Commissioner may be provided with an official residence from the general pool of accommodation of the type admissible to an officer of the rank of Secretary to the State Government stationed at Guwahati on payment of such fee as may be fixed by the State Government from time to time.

(2) When the State Election Commissioner is not provided with, or does not avail himself of, the official residence referred to in sub-rule (1), he may be paid house rent allowance in accordance with the rules applicable to a Member of All India Services stationed at Guwahati.

(3) Where the State Election Commissioner occupies an official residence beyond the permissible period, he shall be liable to pay additional fee or rent as the case may be, and shall be liable to eviction in accordance with the law applicable to a State Government employee in relation to premises occupied by him.

**13. Facilities of  
Conveyance**

The State Election Commissioner shall be entitled to the facilities of conveyance as applicable to a sitting Judge of High Court.

**14. Light Refreshment  
Allowance**

The State Election Commissioner shall be entitled to reimbursement of expenses on light refreshment/entertainment in the office of Commission as per State Government Office Memorandum issued from time to time by the Finance Department.

**15. Facilities for Medical  
Treatment**

The State Election Commissioner shall be entitled to medical treatment and hospital facilities in accordance with the provisions of the All India Services (Medical Allowance) Rules, 1954, as amended from time to time.

**16. Sumptuary Allowance**

The State Election Commissioner shall be entitled to a Sumptuary allowance as admissible to a High Court Judge.

**17. Free Water and  
Electricity**

The State Election Commissioner shall be entitled to reimbursement of charges on account of water and electricity consumed at his residence as admissible to a High Court Judge.

- 18. Other Conditions of Service and perquisites** Notwithstanding anything contained in rules 3 to 13, the other conditions of Services and perquisites to be available to the State Election Commissioner shall be same as are admissible to a serving Judge of a High Court as contained in the High Court Judges (Condition of Service) Act, 1954 (28 of 1954).
- 19. Oath of Office and Secrecy** The State Election Commissioner shall before entering upon office, make and subscribe to an oath of office and secrecy in **Form III** before the Governor of Assam or before the Chief Secretary, if Governor so directs.
- 20. Residuary provision** The conditions of service, if any of the State Election Commissioner for which no express provision has been made in these rules shall be governed by the rules for the time being applicable to a Judge of a High Court.
- 21. Power to Relax** The Governor may, by order not inconsistent with the provision under clause (2) of Article 243K of the Constitution of India, relax any provision of these rules to such extent, subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.
- 22. Repeal and Savings** (1) The State Election Commissioner(Conditions of Service) Rules, 1993 is hereby repealed.
- (2) Notwithstanding such repeal of the rules as mentioned in sub-rule(1) above, anything done or any action taken under the rule, so repealed before the date of commencement of those rules, shall be deemed to have been validly done or taken under the repealed rules.

**J. B. EKKA,**

Principal Secretary to the Government of Assam,  
Panchayat and Rural Development Department,  
Dispur, Guwahati-6.

## Form-I

[See rule 9]

Form for application for sanction of special pension:

1. Name of the retiring State Election Commissioner :
2. Father's Name :
3. Date of Birth :
4. Date of entry into service under the State/Central Government, if any :
5. Period of continuous service under the State/Central Government :
6. Date of joining the Commission :
7. Date of expiry of the term of appointment in the Commission :
8. Period of Continuous service in the Commission:                      Year                      Months.
9. Aggregate of the period of service under the State/Central Government and the Commission :
10. Specimen signature duly attested (3 sets of specimen signature on a separate sheet).
11. 3 copies of passport size photograph of the retiring State Election Commissioner/member, duly attested.
12. 3 sets of showing particulars of height and personal identification marks duly attested:
13. Present address:
14. Address after retirement:
15. Name of Treasury or the branch of public sector bank through which the special pension is to be drawn:
16. Particulars of pension already drawn, enclosing and attested copy of previous pension before commutation:

No. of Pension Order	and date of Payment	Amount of Pension	Name of Treasury/ Bank	Whether previous service to Central or State Government	Name of the Accountant General Authorizing Pension
1		2	3	4	5

Signature with designation

**Form-II****[See rule 9]**

Form for determination of special pension

1. Name of the retiring State Election Commissioner:
2. Father's Name:
3. Date of Birth:
4. Permanent residential address:
5. Present/last appointment:
6. Date of entry into service under the Government:
7. Period of qualifying service under the Government:
8. Date of beginning of service in the Commission:
9. Date of ending of service in the Commission:
10. Total qualifying service rendered in the Commission :
11. Period of service for special pension.
  - (a) Period of service qualifying for State/Central Government.
  - (b) Period of service under the Commission.
12. Gross amount of pension and nature of pension, if any, authorized after revision, for previous service under the State/Central Government.
13. Proposed special pension calculated with reference to the provisions contained in Rule-5 of the Assam State Election Commissioner (Salary, Allowances and Conditions of Service) Rules, 2022.
14. Date from which special pension is to commence.
15. Place of payment of special pension (Treasury/public sector bank).
16. Certified that
  - (i) No Demand Certificate has been obtained from the Estate Officer (only in regard cases where general pool accommodation has been allotted).
  - (ii) No advance of any kind is outstanding.
  - (iii) No library books are outstanding.
  - (iv) The retiree has paid all the dues.
  - (v) A certificate has been obtained from the Secretary of Commission that all articles provided by Government for official use have been received back and that no demand is outstanding.
17. Personal identification marks, if any.
18. Height.

Signature of Head of Office

Details of service of Shri/Shrimati/Kumari .....Date of Birth .....

Establishment	Appointment	Officiating substantive	Date begining	of	Date ending	of	Period Reckoning As service Years  Months  Days	of	Period Reckoning service Years  Months  Days	of	Remarks
1	2	3	4		5		6		7		8

Head of Office  
Countersigned  
Head of the Department



**Form-III****(See rule –19)**

Form of Oath of office and secrecy for State Election Commissioner under the Assam State Election Commissioner (Salary, Allowances and Conditions of Service) Rules, 2022.

I, ..... have been appointed State Election Commissioner of Assam State Election Commission, do swear in the name of God/solemnly affirm that I will bear the true faith and allegiance to the Constitution of India, that I will discharge and perform the duties of my office to the best of my ability, knowledge and judgment, without fear or favour, affection or ill will, and I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as State Election Commissioner of the Assam State Election Commission except as may be required for the due discharge of my duties as State Election Commissioner of the Commission.

Signature of State Election Commissioner